UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/731,157	SALGADO, DAVID A.
	Examiner	Art Unit	
	Michael Burleson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 May 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3,7,9,11-15 and 18-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3,7,9,11-15 and 18-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 05/09/2006 have been fully considered but they are not persuasive.

2.   Applicant states in remarks (page 6) that none of the cited references disclose removing portions of a main job image data to produce main job output that does not include designated unwanted portions. Examiner disagrees with Applicant.

3.   With respect to the reference of Nishii, Applicant states that blank pages are removed in the trial print mode and not the main job input data. Nishii teaches that the trial print mode is used to check for blank pages and then the print job is printed (column 2,lines 26-28 and 48-50). This means that if the blank page is removed in the trial print mode, then a blank page will not be printed in the main print job, which is the same as removing a blank page from a main print job (column 5,lines 14-26).

4.   With respect to Nakajima Toru, Applicant states that Nakajima Toru does not teach of removing individual pages or portions from the main job image input data or main job output data. Nakajima is not relied upon to teach of removing individual or portions from the main job output or image data, but is relied upon to teach of notifying an operator that an unwanted portion has been located. Applicant states that Nakajima Toru discloses notifying a user of questionable or invalid image data and expects the user to take corrective action (page 7, 2nd paragraph). The questionable or invalid image data can be a blank page (page 3, paragraph 0028) and notifies the user using LCD of a detected blank page.

5.   With respect to Motoyama, Applicant states that Motoyama can also permit a

blank page within the middle of a reproduction, which teaches away from removing

blank pages from within the middle of a reproduction job (page 8). Examiner disagrees

with Applicant. Motoyama is not relied upon to teach of removing blank pages, it is

relied upon to distinguish between blank pages. Examiner agrees that Motoyama

teaches that it **can** permit a blank page within a reproduction job, but it is also taught

that blank pages can be detected and aborted (column 2,lines 1-10).

6.   Regarding claims anticipated, Applicant states that claims 1,3,6,7,12-15 and 17-

20 are not anticipated. Examiner disagrees with Applicant.

7.   With respect to claims 1 and 12, see comments pertaining to Nishii reference.

8.   With respect to claim 3, the printer does not operate until a command is given,

thus requesting permission to perform an operation, which gives the printer permission

to detect, remove and print pages.

9.   With respect to claim 7, Applicant states that the disclosure of a blank page

output mode does not describe characteristics of a non-blank separator sheet.

Examiner disagrees with Applicant. A separator sheet is nothing more than a blank

page, separating documents, in which case Nishii detects blank pages. Applicant states

that disclosure of a blank page output mode does not disclose describing characteristics

of a non-blank separator sheet. A non-blank sheet and a blank sheet are one in the

same, therefore, a blank page output would describe a non-blank separator sheet.

10.   With respect to claim 20, Applicant states that Nishii is concerned with "trial

mode" and "minified images" and does not disclose deleting blank pages from the main

job output data. Examiner disagrees with Applicant. The "trial mode" is used to delete blank pages for the main job output data (refer to comments about the Nishii reference above).

11.   Regarding claims as obvious, Applicant states that claims 2,9,11, and 19 are not obvious. Examiner disagrees with Applicant (see comments about Nakajima Toru reference above).

12.   With respect to claim 9 and 13, Applicant states that the pattern detector (220) can accept a separator page phrase from an operator or receive instructions to accept a separator page pattern from an image source (228) (page 15). Motoyama teaches of an imagedata signal (126) that contains electric signals representing the optical characteristics of a page to be used by the detection system (118) to detect and distinguish blank pages in a reproduction job (column 5,lines 64-67). The imagedata signal (126) can be understood to be instructions or a phrase.

13.   Rejection of claims 1,2,3,7,9,11-15 and 18-20 are maintained.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1,3,6,7,12-15 and 17-20 rejected under 35 U.S.C. 102(e) as being

anticipated by Nishii US 6501556.

1.   Regarding claim 1, Nishii teaches of a blank page output mode (5) which detects

a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that

interprets the input data to be printed and sends it to the blank page detector (10)

(column 5, lines 14-20), which reads on a method operative to automatically exclude an

unwanted page in an input stream of a main print job from an output stream of the main

print job by establishing a characteristic of a page indicative of an unwanted page and

monitoring the input stream to detect data representative of the characteristic.   Nishii

teaches of a blank page detector (10) that detects blank pages and erases the blank

page (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5),

this reads on identifying one or more pages of the printing system job that contain data

representative of the characteristic and removing the identified pages, thereby excluding

them from the main print job output stream.

2.   Regarding claim 3, Nishii teaches that the printer (2) receives commands from a

user, in which case, a user can input the type of page to be removed (column 5,lines 1-

5), which reads on requesting permission from a user to remove the identified pages.

3.   Regarding claim 7, Nishii teaches of a blank page output mode (5) (column

6,lines 1-5), which reads on describing characteristics of a non-blank separator sheet.

4.   Regarding claim 12, Nishii teaches of a blank page output mode (5) which

detects a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section

(9) that interprets the input data to be printed and sends it to the blank page detector

(10) (column 5, lines 14-20), which reads on a method operative to automatically

exclude an unwanted portions of a main job from a main job output stream of a printing

system by describing characteristics of the unwanted portions of the job and searching

within input image data for portions of the job that have the described characteristic.

Nishii teaches of a blank page detector (10) that detects blank pages and erases the

blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7,

lines 1-4 and figure 5), this reads on locating a portion of the main job input image data

that has the described characteristics and deleting the located portion from the main job

input data to generate output data and delivering the output data to the main job output

stream.

1.   Regarding claim 13, Nishii teaches of interpreting section (9). The interpreting

section (9) receives input data and interprets the input data as a blank page or graphic

data (figures 2 and 5 and column 6,lines 55-67 to column 7,lines 1-25). He also teaches that once the blank page is detected, the interpreting section (9) deletes the blank page (column 6, lines 55-67, column 7, lines 1-5, figure 5). This reads on a printing system operative to automatically remove unwanted portions of main job input image data, the printing system comprising: a pattern detector operative to receive an arbitrary description of an unwanted portion of the main job input image data, search for a portion of the main print job input image data that corresponds to the unwanted portion description, and relate information about a found portion that corresponds to the description; and a portion deleter operative to receive information from the pattern detector regarding a location of the at least one unwanted portion of the main job input image data and to remove the at least one unwanted portion of the main job input image data to generate main print job output image data.

5.   Regarding claim 14, Nishii teaches that the output image data is sent to a page buffer (17) and is then sent to the printing section (18) for printing (column 5,lines 54-55 and figure 2), which reads on an image destination operative to receive the main print job output image data and at least one of, transmit the main print job output image data to another device and generate hard copy corresponding to the main print job output image data.

6.   Regarding claim 15, Nishii teaches of a blank page output mode key (5) for detecting a blank page (column 5,lines 3-6), which reads on a default settings repository operative to store and make available to the pattern detector at least one of, a default unwanted portion description and processing procedure information.

7.   Regarding claim 18, Nishii teaches any image forming apparatus can be used

(column 4,lines 44-51), which reads on the image destination comprises a xerographic

printer.

8.   Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by

Motoyama US 5550614.

9.   Regarding claim 20, Motoyama teaches of a blank page distinguish and

detection system (column 2,lines 4-10), which reads on a printing system to

automatically exclude unwanted non-blank pages of a job from an main job output

stream. Motoyama teaches of a black dot threshold and black dot comparator, in which

the number of black dots are counted to determine if the page is a blank page or not

(column 2,lines 35-46), which reads on a means for describing one or more

characteristics of a non-blank page that is unwanted. Motoyama teaches that if the

information page threshold is exceeded or not, determines a blank page (column 8,lines

24-28), which reads on a means for searching within main job input image data for

portions of the job that have the described characteristics and locating a page of the

main job input image data that has the described characteristics. Motoyama teaches

that when a non-blank page is detected, an override signal is activated, which is used to

determine a blank page and to stop the job in order to remove the page (column 7,lines

15-20 and 53-66 and column 8,lines 24-45), which reads on means for locating a page

of the main job input image data that has the described characteristics and means for

deleting the located page from the main job input data to generate main job output data

and means for delivering the output data to the output stream.

10.   Regarding claim 21, Motoyama teaches of comparing the digital page data to a

black spot threshold (column 2, lines 38-40 and column 5,lines 64-67 and column

6,lines 44-50), which reads on a means for describing text included on the unwanted

non-blank page.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nishii US 6501556 in view of Nakajima Toru JP 07-307827.

13.   Regarding claim 2, Nishii teaches of a blank page detector (10) that detects

blank pages and erases the blank page (column 2, lines 24-28,column 6, lines 66-67,

column 7, lines 1-4 and figure 5), which reads on a method operative to automatically

exclude a blank page in an input stream of a printing system job from an output stream

of the printing system job, the method comprising the steps of detecting data

representative of a blank page in the input stream and deleting the data representative

of the blank page from the input stream, thereby excluding the blank page from the output stream.

14.   Nishii fails to teach of notifying an operator of detected data representative of the characteristic.

15.   Nakajima Toru teaches of an advice means that notifies the user of a blank paper (paragraph 0011), which reads on notifying an operator of detected data representative of the characteristic.

16.   Nishii could have easily been modified with the advice means of Nakajima Toru. This modification would have been obvious to one skilled in the art at the time of the invention to notify the user of the characteristic when it is detected.

17.   Regarding claim 11, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted portions of a job from an output stream of a printing system by describing characteristics of the unwanted portions of the job and searching within input image data for portions of the job that have the described characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on locating a portion of the input image data that has the described characteristics. Nishii teaches that the printer (2) receives commands from a user, in which case, a user can input the type of page to be removed (column 5,lines 1-5), which

reads on accepting one of an authorization and a prohibition form the operator to remove the unwanted portion.

18.   Nishii fails to teach of notifying an operator that an unwanted portion has been located.

19.   Nakajima Toru teaches of an advice means that notifies the user of a blank paper (paragraph 0011), which reads on notifying an operator that an unwanted portion has been located.

20.   Nishii could have easily been modified with the advice means of Nakajima Toru. This modification would have been obvious to one skilled in the art at the time of the invention to notify the user of the characteristic when it is detected.

21.   Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii US 6501556 in view of Motoyama US 5550614.

22.   Regarding claim 9, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted portions of a job from an output stream of a printing system by describing characteristics of the unwanted portions of the job and searching within input image data for portions of the job that have the described characteristic. Nishii teaches of a

blank page detector (10) that detects blank pages and erases the blank page and prints

the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5),

this reads on locating a portion of the input image data that has the described

characteristics and deleting the located portion from the input data to generate output

data and delivering the output data to the output stream.

23.   Nishii fails to teach of searching within input image data comprises using pattern

recognition techniques to search for matching characteristics.

24.   Motoyama teaches of scanning a page to generate digital page data and

comparing the digital page data to a black spot threshold (column 2, lines 38-40), which

reads on the step of searching within input image data comprises using pattern

recognition techniques to search for matching characteristics.

Nishii could have easily been modified to scan a page and compare a digital

page data to a black spot threshold of Motoyama.   This modification would have been

obvious to one skilled in the art at the time of the invention to determine if a page

contains unwanted pages or portions.

25.   Regarding claim 19, Motoyama teaches of a fax/telephone processor (column 4,

lines 33-40), which reads on the image destination comprises a facsimile modem.

Conclusion

26.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

1.   Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437.

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